IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas N. Giaccherini, et al.

Examiner:

Serial No.:

09/579,324

Group Art Unit: 2731

Title:

Method for Utilizing

Excess Communications Capacity

FILE

Filed:

25 May 2000

CERTIFICATE OF MAILING UNDER 37 C.F.R. SECTION 1.8

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to The Assistant Commissioner for Patents, Attention: BOX DD, Washington, D.C. 2023 . 0

Thomas N. Giaccherini Registration No. 31,075

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FIRST DISCLOSURE STATEMENT

The Assistant Commissioner for Patents Box DD Washington, D.C. 20231

Sir:

The Applicants submit this First Disclosure Statement and completed Form PTO/SB/08A for their pending U.S. Patent Application. The documents listed in this First Disclosure Statement were cited in an International Search Report from the European Patent Office for a corresponding PCT International Patent Application which was mailed to the Applicants on 19 December 2001. A copy of the EPO ISR accompanies this First Disclosure Statement.

DISCLOSURE DOCUMENTS

U.S. Patent No. 5 864 557 issued to Lyons discloses a transport stream encoder, which comprises a plurality of component signal sources.

PCT International Patent Application Publication No. WO 97/18651 owned by Hughes Aircraft Company discloses a method and apparatus for an adaptor card for use in a computer to provide conditional access by the computer to incoming data streams. A copy of this document accompanies this First Disclosure Statement.

CERTIFICATION

Each item of information contained in this First Information Disclosure Statement was cited in a communication form a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this First Information Disclosure Statement.

CONCLUSION

The Applicants submit that none of the documents described above disclose the Invention as claimed in the present Patent Application. The Applicants believe that no fee is required to submit this First Disclosure Statement.

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First Disclosure Statement for U.S. Patent Application entitled Method for Utilizing Excess Communications Capacity HMD2000-1

Respectfully Sulpmitted

Thomas N. Giacherini,

Applicants' Attorney

Registration No. 31,075

Thomas N. Giaccherini

Post Office Box 1146 Carmel Valley, California 93924 831.659.5300

Mailed to the United States Patent Office on Friday, 25 January 2002 with a Rule 8 Certificate.

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

control number.

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U.S. PATENT DOCUMENTS						
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FOREIGN PATENT DOCUMENTS							
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English ranguage Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

HMD2000-1

ACKNOWLEDGMENT POSTCARD Method for Utilizing Excess Communications Capacity

Serial No.:

09/579,324

File Date:

25 May 2000

Applicants:

Thomas N. Giaccherini, et al.

SUBMISSION OF FIRST DISCLOSURE STATEMENT

To the Patent Office:

Please acknowledge your receipt of the following documents by affixing the PTO date and time stamp below and by returning this card to me by U.S. Mail.

Documents enclosed:

A First Disclosure Statement (3 pages);

PTO/SB/08A (1 page);

A copy of an International Search Report for PCT International Patent Application No. PCT/US01/14828 (6 pages); and

4-copy of PCT International Patent Application No. PCT/US96/00580.

Thank you.

Thomas N. Giaccherini,

Registration No 31,075

Applicants' Attorney

831.659.5300

Mailed to the Patent Office on 25 January 2002.